

REMARKS

This is a supplement preliminary amendment filed in response to the final Office Action dated January 12, 2009 in addition to the amendment filed on April 9, 2009 with the RCE.

I. TELEPHONE INTERVIEW

A telephone interview was held on April 21, 2009, in which the amended claims filed in the amendment dated April 9, 2009 were discussed.

The status of the claims is as follows: Optical element claims 17, 18, and 19 have been allowed. Since claims 1 to 3 and 16 have been canceled, five of the six rejections under 35 U.S.C. 103 (a) were obviated.

Optical element claim 20 was amended to overcome the rejection under 35 U.S.C. 103 (a) based on the disclosures in US 6,413,894 (Sato) by reducing the upper limit for Li₂O to 1.5 wt. %. Sato requires a minimum of 5 wt. % of Li₂O in their optical glass. Thus Sato can no longer establish a case of *prima facie* obviousness of the amended claim 20 based on overlapping concentration ranges. In addition, the teachings of Sato regarding the required sag temperature of their optical glass would lead one skilled in the art away from the glass composition claimed in the amended claim 20 because Sato teaches that a minimum of 5 wt. % of Li₂O provides the desired sag temperature at column 6, line 4.

During the interview it was pointed out that withdrawn dependent claims 24, 25, and 26 contained and were limited to the allowable optical element subject matter of claims 17, 18, and 19 respectively.

A supplemental amendment was proposed to limit all the withdrawn read-and-write device claims to the allowable subject matter under the doctrine of rejoinder, M.P.E.P. 821.04, so that the above-identified U.S. Patent Application can be allowed in an expeditious manner. For that reason this supplemental amendment has been prepared.

II. CLAIM CHANGES

Withdrawn read-and-write device claims 24, 25, and 26 have been amended by including the features and limitations of the independent read-and-write device claim 5. The resulting independent read-and-write device claims 24, 25 and 26 should be allowed under the doctrine of rejoinder, M.P.E.P. 821.04, because they include the subject matter of the allowable optical element claims 17, 18, and 19.

In addition, read-and-write device claim 27 has also been amended by including the features and limitations of the independent read-and-write device claim 5 and the glass composition recited in claim 27 has been amended so that it corresponds to the glass composition in the amended optical element claim 20. Thus withdrawn claim 27 is limited to the allowable subject matter and should be rejoined and allowed.

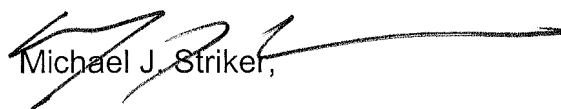
The other read-and-write device claims 5, 6, and 21 to 23 have been canceled so that only claims containing the allowable subject matter remain.

Accordingly favorable allowance of the above-amended claims is respectfully solicited.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549-4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,


Michael J. Striker,

Attorney for the Applicants

Reg. No. 27,233